

JARAMOGI OGINGA ODINGA UNIVERSITY OF SCIENCE AND TECHNOLOGY

UNIVERSITY EXAMINATIONS 2013/2014

3RD YEAR 1ST SEMESTER EXAMINATION

FOR THE AWARD OF THE DEGREE OF BACHELOR OF BUSINESS ADMINISTRATION

KISII LEARNING CENTRE (KLC)

COURSE CODE: ABA 338

COURSE TITLE: PROCUREMENT AND LEGAL FRAMEWORK

DATE: -----

TIME: -----

DURATION: 2 HOURS

INSTRUCTIONS

1. Question "ONE" is compulsory.
2. Answer Question "ONE" and any other "Two".
3. Write all Answers in the booklet provided.

Q (1) (a) Define the term contract and discuss ways in which a contract may be discharged. Illustrate each mode of discharge by decided cases or examples. (6 marks)

b. Define Procurement Law. (3Marks)

(c) What are the purposes of procurement Law? (3Marks)

(d) In relation to the law of sale goods, give the meaning of the term “**NEMO DAT QUOD NON HABET**” and discuss its exceptions. (7 Marks)

(e) In relation to the law of negotiable instruments, define the term cheque and discuss the various types of cheques. (5 marks)

f. Explain any five general principles of insurance. (6 marks)

Q (2) “In relation to the law of agency, an agent is a person employed to do any act for another or to represent another in dealings with third persons”. In light of the foregoing statement discuss the various classes of agents. (10 Marks)

b. “Agency relations may come to an end by an act of the parties or by the operation of laws”. Discuss ways in which agency relations may be brought to an end. (10 marks)

Q (3) (a) Distinguish Clearly between the following

- i. Insurance and assurance
- ii. An offer and an invitation to treat
- iii. Voidable contracts (10 Marks)

(b) State briefly the rights and responsibilities of bailor and bailee.

What is a bailee’s lien? (10 Marks)

Q (4) Distinguish between a contract of guarantee and a contract of indemnity. (10marks)

b. Discuss the conditions and warranties which are implied in a contract of sale of goods by the sale of goods Act cap 31 LOK.

Q5)a. Define Bankruptcy and explain its meaning, under the bankruptcy laws of Kenya

(5 marks)

b. Under what conditions will an Act be said to be an act of bankruptcy in Kenya under (Cap 53 LOK) laws of Kenya (7 marks)

c. Outline the procedure of bankruptcy under (Cap 53 LOK) laws of Kenya. (8 marks)